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I N D E X
of
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
4047	2746		German Text of a Memorandum to Weizsaecker dated 28 August 1939 from Stahmer		24504

1 Tuesday, 17 June 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with
14 the exception of: HONORABLE JUSTICE E. H. NORTHCROFT,
15 Member from the Dominion of New Zealand, not sitting
16 from 0930 to 1600 and HONORABLE JUSTICE JU-AO MEI,
17 Member from the Republic of China, not sitting from
18 0930 to 1045.

19 For the Prosecution Section, same as before.

20 For the Defense Section, same as before.

21 - - -

22 (English to Japanese and Japanese
23 to English interpretation was made by the
24 Language Section, IMTFE.)
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STAHLER

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Yes, Counselor.

4 MR. KANZAKI: I have heard, as a most re-
5 liable report, that HARADA, Kumakichi has recently
6 been executed. He was formerly Chief of the Special
7 Service Organ in Nanking and was later Commander in
8 Chief of the Japanese forces in Java. He was to be
9 one of the most important witnesses in the Chinese
10 phase, the Pacific phase, and the individual phases.
11 The appearance of HARADA before this court as a wit-
12 ness has already been requested by the defense and the
13 Court has already issued a subpoena for his appearance.
14 Since he was not permitted to appear here during the
15 Chinese phase, I requested the authorities concerned
16 to permit his appearance several times.

17 Now, not only has he not obeyed the subpoena,
18 but he has finally been executed. I believe this is
19 a grave infringement on the authority of this Tri-
20 bunal. The Tribunal has often stated that the best
21 evidence should be forthcoming in this historic trial --

22 THE PRESIDENT: Now, we have heard enough
23 from you. I want you to tell me whom you mean by
24 "the authorities concerned." You say you approached
25 them and they would do nothing. I can not approach

STAHMER

CROSS

1 the authorities concerned. The authorities concerned
2 would probably be the Chinese Government or some other
3 governments. I can only approach the Supreme Commander,
4 and then by way of subpoena, and I have not heard his
5 side of the story.

6 You are, in effect, pronouncing judgment
7 without hearing both sides. All the subpoenas issued
8 by the Tribunal, and I signed them, are directed to
9 the Supreme Commander who alone can tell me, and tell
10 you, and tell the Tribunal, what the position is.
11 Only the Supreme Commander has contacts with the
12 people outside Japan; you have none, the Tribunal has
13 none, and I have none.

14 I suggest you approach me in Chambers and tell
15 me your story, and I shall repeat it to the Supreme
16 Commander. And, if necessary, we will then state in
17 open court the facts as we have ascertained them.

18 MR. KANZAKI: Thank you, sir.

19 THE PRESIDENT: Mr. Tavenner.

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1 H E I N R I C H S T A H M E R, called as a witness
2 on behalf of the defense, resumed the stand and
3 testified as follows:

CROSS-EXAMINATION

4 MR. TAVENNER: If the Tribunal please.

5 BY MR. TAVENNER (Continued)

6 Q At the close of the session yesterday, Mr.
7 Stahmer, we were talking about the notification of
8 OSHIMA of the conclusion of the German-Russian Pact.
9 Where is Berghof, B-E-R-G-H-O-F?

10 A Do you mean Berghof?

11 Q B-E-R-G-H-O-F.

12 A That was the name of the house where Hitler
13 lived very often, near Bertchesgaden.

14 Q Did Ribbentrop call OSHIMA from Berghof on
15 the evening of August 21, 1939?

16 A I do not know if he called him.

17 Q On the night of the following day, August 22,
18 did the Secretary of State, Weizsaecker, have a con-
19 ference with Ambassador OSHIMA on the matter of the
20 conclusion of the non-aggression pact?

21 A I do not know. The only think I know is that
22 I got the order, and I forget the exact date, to tell
23 OSHIMA that the German-Russian Non-Aggression Agreement
24 was signed. I had nothing more to do in any way with
25 this whole thing.

STAHLER

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Q Let me see if I can refresh your recollection.

1 Do you not know that on the night of August the 22nd
2 that there was a discussion between Weizsacker and
3 OSHIMA in which Weizsacker explained the reasons for
4 the pact and OSHIMA his objections to it, at the end of
5 which OSHIMA assured Weizsacker of his unchanged inten-
6 +ion to continue working for German-Japanese friendship
7 notwithstanding the non-aggression pact?

8 A No, I do not know.

9 Q Well, did you learn of it or hear of it?

10 A No, I did not hear of it.

11 Q Do you recall any other instance shortly after
12 the conclusion of the non-aggression pact in which
13 Ambassador OSHIMA gave his assurance that he would
14 continue to work for an improvement of German-Japanese
15 relations?

16 A I really cannot remember. I was most of the
17 following time not in Berlin but in Salzburg.

18 Q Let me see if I can refresh your recollection.
19 Do you recall a conversation between you and OSHIMA on
20 or prior to August 28, 1939, in which he gave you
21 information regarding General ABE, the new Japanese
22 Prime Minister, and among other things stated that he
23 and General ABE served together on the general staff
24 and that General ABE at one time was acting military
25

1 attache in Berlin? Do you recall that Ambassador
2 OSHIMA gave you that information?

3 A That is possible but I do not remember it,
4 and in the end that is now about eight years ago and
5 I had many conversations with many different people.

6 Q Possibly I can refresh your recollection
7 further about it. Do you recall that Ambassador
8 OSHIMA advised you that General ABE should be con-
9 siderably more favorable as Prime Minister than
10 HIRANUMA and that he would furnish you later with
11 information about other members of the cabinet?

12 A That is possible but I do not remember any
13 details.

14 THE PRESIDENT: If you are referring to an
15 exhibit, just mention the number, Mr. Tavenner. It
16 will be helpful.

17 MR. TAVENNER: I am not referring to an
18 exhibit.

19 Q Do you recall that you had a conference with
20 OSHIMA regarding the new cabinet?

21 A I even cannot remember that.

22 Q Now do you recall whether Ambassador OSHIMA
23 advised you that the Japanese press was gradually
24 returning to reason and not to take the press articles
25 too seriously? Does that refresh your recollection?

STAHLER

CROSS

1 A I am sorry. I cannot remember.

2 Q Did Ambassador OSHIMA advise you that he was
3 working as before with all his power on the maintenance
4 and improvement of Japanese-German relations?

5 A No, I do not remember. I had the feeling
6 that Ambassador OSHIMA still was a friend of Germany.
7 The only thing I remember of the whole time, that was
8 a farewell lunch of Ribbentrop where I saw him the
9 last time in Germany and there were short, formal
10 speeches exchanged of which I do not remember the
11 contents.
12

13 THE PRESIDENT: This is a matter I feel con-
14 strained to mention from the Bench. It amounts to
15 contempt of court.

16 The Chinese Judge is not here this morning
17 because his driver was called up without telling him.
18 The Member from China was left to his own resources to
19 get another car, but he failed to get one in time to
20 enable him to be here this morning.

21 Proceed, Mr. Tavenner.
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1 Q I hand you the German text of a memorandum
2 allegedly prepared for Weizsaecker, bearing date August
3 28, 1939, purportedly signed by you, and ask you if
4 that is your signature.

5 (Whereupon, a document was handed to
6 the witness.)

7 Q Is that your signature?

8 A Yes, that is my signature.

9 MR. TAVENNER: I desire to offer in evidence
10 prosecution document 4047 presented to the witness for
11 his identification.

12 If the Tribunal please, this document has
13 not been processed, but it will be processed and copies
14 delivered to defense counsel and to the Tribunal as
15 soon as it can be done.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 4047 will receive exhibit No. 2746.

19 (Whereupon, the document above
20 referred to was marked prosecution exhibit
21 No. 2746 and received in evidence.)

22 MR. TAVENNER: I will read in evidence exhibit
23 2746.

24 "Berlin, 28 August 1939

25 "Note for State Secretary Von Weizsaecker

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1 "Ambassador OSHIMA informed me about the
2 personality of the new Japanese Prime Minister as
3 follows:

4 "General ABE is 64 years of age and has had
5 an excellent military career. He is an artillery man
6 and served together with OSHIMA on the General Staff.
7 Mr. ABE belonged, furthermore, for a long period of
8 time, as a captain to a German Artillery Regiment in
9 Thorn, and was acting as military attache in Berlin.

10 "OSHIMA is a personal friend of General
11 ABE and believes that he is considerably more favorable
12 as Prime Minister than the present Prime Minister,
13 Baron HIRANUMA. The Ambassador will get information
14 about the other members of the cabinet which have been
15 named up to now, War Minister ISOGAI and Navy Minister
16 JOCHIDA, and will inform me then.

17 "OSHIMA informed me further that in his
18 opinion the Japanese Press is gradually returning to
19 reason, and asked not to take the articles in the Press
20 too tragically, /and that/ he is working as before,
21 with all his powers, on the maintenance and improvement
22 of German-Japanese relations.

23 "/Signed/ STAHLER"

24 Q Was not Ribbentrop advised on or before the
25 26th day of August 1939 that although the Japanese army

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1 was hard hit by the surprising Russian part, the leader
2 of the army was exerting himself most strongly for a
3 military alliance with Germany?

4 A At what time should that have been?

5 Q On or before the 26th day of August 1939.

6 A I do not remember.

7 THE PRESIDENT: A Member of the Tribunal is
8 interested in knowing whether the telegram was written
9 by the witness personally or drafted by a subordinate
10 and only signed by the witness. Answer, please, Witness.

11 THE WITNESS: This was no telegram, but only
12 a memorandum note given over to the Secretary of State.
13 I do not remember if I dictated that. Normally I let
14 my secretary write these notes and gave him some short
15 indications what he should write, and then I signed it
16 if it was right.

17 Q The information contained in that memorandum
18 for Weizsaecker was, in fact, furnished by you, was it
19 not?

20 A Yes.

21 Q I referred to information being given Ribben-
22 trop on August the 26th 1939. Was Ribbentrop also
23 advised at that time that the army was striving, that is,
24 the army in Japan, for a change of cabinet in the
25 direction of closer relations with Germany, and that

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1 they were awaiting concrete German proposals?

2 A I do not know.

3 Q Was not a suggestion made to Ribbentrop at
4 this time by Ambassador Ott and Military Attache MATSUKI
5 that the German armed forces issue an early declaration
6 of sympathy for the Japanese army in order to strengthen
7 their pro-German army policy?

8 A That is possible, but I did not see that tele-
9 gram.

10 Q Were you told that that had occurred? Do you
11 recall that you learned of that fact?

12 A No, I was not told of the fact.

13 Q What do you mean when you say it was possible?

14 A I mean I cannot say that such a telegram did
15 not exist; I can only say that I do not know it.

16 Q Were you told about it?

17 A No, I cannot remember.

18 Q Did you learn of the conference in September
19 1939 between Ribbentrop and OSHIMA in which Ribbentrop
20 expressed the view that close cooperation between
21 Germany, Italy and Japan was not in the least dead,
22 to which statement OSHIMA agreed?

23 A I do not remember this conference. But I
24 remember that Ribbentrop told me in that time that
25 the cooperation between Japan, Germany and Italy must

1 go on if possible, and must be strengthened.

2 A And were you not likewise told that OSHIMA
3 agreed to that?

4 A That is possible, but I cannot recollect it.

5 MR. TAVENNER: That question is based on
6 prosecution exhibit 507, pages 6128 and 6129 of the
7 transcript.

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1 Q Is it not a fact that Ribbentrop considered
2 it of great importance for his policy that OSHIMA
3 remain as ambassador in Berlin, and that OSHIMA
4 enjoyed the complete confidence of Hitler and the
5 German Army?

6 A I had always the impression that Ribbentrop
7 liked OSHIMA very much, and I heard that Hitler did
8 the same. How the position of OSHIMA was concerned
9 with the German Army, I do not know; but I believe that
10 he was on quite good terms with them, too, having been
11 military attache several times.

12 Q Did Ribbentrop tell you that the presence of
13 OSHIMA in Germany was very necessary for the German
14 policy?

15 A I remember only that he told me once that it
16 was very bad and that he was very sorry that OSHIMA had
17 to go away.

18 Q Will you please answer my question?

19 A I do not remember what you told -- what you
20 asked me.

21 Q Do you know it is a fact that Ribbentrop
22 considered it necessary for the extension of his policy
23 that Ambassador OSHIMA remain in Germany?
24

25 THE PRESIDENT: You better put the words of
the telegram if you are referring to exhibit 507.

1 According to that telegram, Ribbentrop said, "I deem
2 it to be of great importance for the policy I have in
3 mind that OSHIMA remain Ambassador," not that it is
4 necessary.

5 Q Do you recall that Ribbentrop stated that
6 it was of importance, of great importance, for the
7 policy he had in mind that OSHIMA remain ambassador
8 in Berlin?

9 A I do not remember that he told me so.

10 Q Mr. Stahmer, was it not a fact well known to
11 you from your access to the records in the German
12 Foreign Office that OSHIMA and SHIRATORI continued,
13 after the non-aggression pact was concluded, to promote
14 a German-Japanese alliance?

15 A I had the impression that OSHIMA, and I believe
16 that SHIRATORI, too, would always work to keep up and
17 even to embetter German-Japanese relations. But I did
18 not get the idea that they were going on to work for
19 the alliance. And as I told yesterday, I had no full
20 access to the files of the German Foreign Office. I
21 only got some telegrams from Ribbentrop when I had to
22 work.

23 Q By whom was the Duke of Koburg chosen for the
24 trip to Japan and the United States?

25 A Ribbentrop told me in January 1940 that at

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1 first the general manager of the I.G. should be sent.

2 But he believed that was wrong, and then he told me the
3 Duke of Koburg had to go. I do not know if it was the
4 idea of Ribbentrop or the idea of Hitler. And he asked
5 me, because I had worked together with the Duke of
6 Koburg, and I told him I believed that was a very good
7 idea because the duke has been in Japan and in the
8 United States before.

9 Q Do you mean that you were recommended or
10 selected by Ribbentrop?

11 A You mean the Duke of Koburg?

12 Q I mean you.

13 A I got the order to accompany the duke on that
14 trip because we had worked together since 1935, and I
15 remember that the duke asked Ribbentrop to give the
16 permit to accompany him, the permission to accompany
17 him.

18 Q My question was whether or not Ribbentrop
19 recommended or selected you for this trip to Japan with
20 Koburg.

21 A Of course; and he told me and he gave me the
22 order to accompany him.

23 Q Ribbentrop was your immediate superior at that
24 time, was he not?

25 A Yes, he was.

1 Q Is it true that the Duke of Koburg was a very
2 old man and was not interested in diplomacy at this
3 time?

4 A Well, he was not a very old man. He must
5 have been at that time 47 or 48 -- 57 or 58.

6 Q On the other hand, you were the political and
7 diplomatic adviser of Ribbentrop, weren't you?

8 A No, I was not the political and diplomatic
9 adviser of Ribbentrop.

10 Q Had not you been his main adviser in politics
11 and diplomacy for a number of years?

12 A No. That is absolutely wrong. I have not
13 been his main adviser in politics or diplomatics for
14 several years.

15 Q If not the main adviser, you were, nevertheless,
16 one of his advisers?

17 A No, I was none of his advisers. I was one
18 of his employees and I worked with him and under him.

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1 Q Well, tell us the character of your employ-
2 ment.

3 A I got an order from Ribbentrop, for instance,
4 to become liaison man with OSHIMA, and then I had to
5 fill out my work,-- but an adviser is a man who tells
6 his superior how to do this and how to do that, and
7 who makes him political and diplomatic proposals.
8 That's what I never did.

9 Q How many different countries had Ribbentrop
10 sent you to on diplomatic missions?

11 A On diplomatic missions I was sent to Italy;
12 then, in this ex-service men work; I was sent to
13 England and France, and twice in Hungary; and then
14 I was sent with the Duke of Coburg to Japan and the
15 United States.

16 Q When you state, Section 5, page 5 of your
17 affidavit, that there was no political purpose pur-
18 sued in the trip of the Duke of Coburg to the United
19 States in 1940, did you intend to imply that there
20 was no political purpose in your accompanying him?

21 A I really had absolutely no political
22 order except that I should use this opportunity to
23 see how situation in Japan is. That was all.

24 Q Then I understand there was a political
25 purpose in your trip to Japan?

STAHMER

CROSS

1 A Well, I would not call that a political
2 order, but that is a difference of opinion.

3 Q If this were not a trip for political
4 purposes, what was the purpose of your trip?

5 A The trip to Japan was absolutely secondary.
6 The only important thing was the trip to the United
7 States, and we wanted to do everything to keep up
8 friendship with the American Red Cross because there
9 was no other way to travel via Siberia. And we used
10 this opportunity especially to make this congratu-
11 latory mission to the Emperor of Japan on the
12 occasion of the 2,600 years anniversary, to avoid
13 to send over a special commission later.

14 Q Then do I understand correctly that one
15 political purpose of your trip was to lay the
16 groundwork for commissions that were to follow?

17 A No, that is not right. I did not have
18 the idea or the order to lay any groundwork at all
19 here.

20 Q Now, you stated that the trip to Japan was
21 purely a secondary matter, that the real object of
22 your trip was to go to the United States; but you
23 have stated in your affidavit that there was no
24 political purpose for your trip to the United States.

25 A Yes, and I still believe that cannot be

1 called a political purpose because we avoided every-
2 thing which could be used for political propaganda,
3 or which could make the impression that we had any
4 political work to do. We even went so far to refuse
5 money which was offered to us for the German Red Cross,
6 to prevent making the impression of collecting money.

7 Q Did you learn before your trip to Japan
8 that Ribbentrop had advised Ambassador Ott that
9 Ambassador OSHIMA, after his return, would do fur-
10 ther work for the German-Japanese friendship and
11 that Ribbentrop requested that the German Embassy
12 facilities be extended to OSHIMA for the transmittal
13 in code of telegrams delivered there by OSHIMA for
14 Ribbentrop personally?

15 A I did not hear it that time, but I read
16 it later in the documents of the Embassy after I
17 had to take over the Embassy.

18 Q Then you read and studied the files in the
19 German Embassy in Japan after you arrived here?

20 A I studied some --- very few of this old
21 file.

22 Q You carefully selected those that you would
23 read and those that you would not be informed about,
24 is that it?
25

A No, that was not the idea, but in this

STAHMER

CROSS

1 case I was very much interested who had any right to
2 use telegram possibilities and cypher possibilities.
3 That was the reason why I studied these.

4 Q And you mean to state that as the employee
5 of Ribbentrop, whose business was diplomacy, you
6 did not look at the telegrams on file there to see
7 what was going on diplomatically?

8 A You mean in the time when I was in Berlin?

9 Q No, we are speaking now of the Embassy files
10 in Japan, which you say you had access to.

11 A Well, I had to work every day and I did not
12 have the time to study all these old files. For my
13 recreation I took some files out concerning the time
14 after -- before the war, 1914. On the other hand, my
15 secretary can always be witness and state what I
16 studied or not.

17 Q Do you seriously state, Mr. Stahmer, that
18 you came to Japan to find out the then present-day
19 conditions and then you read only the files of the
20 German Embassy relating to the war of 1914?

21 A No, I do not want to state that. I said
22 I had taken out those old files to study them as a
23 sort of recreation, but I want to say that I did
24 not study all those files from 1938 to 1942 or 1943
25 or before. I always took out what I needed for my

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1 immediate work, for my work.

2 Q Well, when you arrived here----

3 THE PRESIDENT: We will recess for 15 minutes.

4 (Whereupon, at 1045, a recess was
5 taken until 1100, after which the proceedings were
6 resumed as follows:)

7 MARSHAL OF THE COURT: The International
8 Military Tribunal for the Far East is now resumed.

9 THE PRESIDENT: I give the judgment of the
10 Tribunal on the defense motion praying for production
11 of witnesses for cross-examination or, alternatively,
12 to strike their affidavits.

13 The Tribunal will not take into consideration
14 the evidence of Semyonov or Rodzaevsky except
15 de bene esse the affidavits of deponents MIYAKE,
16 KUSABE and NOHARA; orders the prosecution to produce
17 for cross-examination the other witnesses mentioned
18 in the said defense motion within a period of two
19 months from this date or within such longer period
20 as may on cause shown be approved by the Tribunal
21 or, alternatively, to give convincing reasons within
22 the said period why they are not able to produce the
23 said witnesses. The Tribunal will disregard the
24 affidavits of any one or more of the deponents last
25 mentioned in respect of whom the prosecution fails

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to comply with the present order.

1 As regards the decision not to take into
2 consideration the evidence of the two first named
3 witnesses, this decision would have been the same
4 no matter what section of the prosecution offered
5 the affidavits. There is no evidence justifying
6 Major Blakeney's suggestion at page 23,791 of the
7 transcript that duress was employed to secure the
8 evidence. The Tribunal issued and repeats its warning
9 against such unwarranted assertions by counsel.
10

11 Mr. Tavenner.

12 CROSS-EXAMINATION

13 BY MR. TAVENNER (Continued):

14 Q Mr. Stahmer, at the time you examined the
15 telegram in the German Embassy files on your trip to
16 Japan in 1940 as you previously testified to, did you
17 examine the other files of telegrams covering the
18 period from the close of the Non-Aggression Pact to
19 the time of your arrival?

20 A There must have been misunderstanding from
21 my side. I did not study any documents in 1940. The
22 documents I studied, that was in 1943 and 1944.

23 Q I at no time have asked you any question
24 about what you did in 1944. When was it that you saw
25 the telegram about the use of Embassy facilities for

STAHMER

CROSS

1 the sending of messages by OSHIMA?

2 A That was after I had taken over the Embassy
3 in 1943 or 1944.

4 Q Did not your political purpose in coming to
5 Japan include an interview with OSHIMA and SHIRATORI
6 whom you say you met on two occasions while in Tokyo?

7 A I wanted very much to see them again because
8 I knew them in Berlin and Germany, but I was very
9 careful to make a political interview with them. I
10 had two reasons. At first the situation between
11 Japan and Germany at that time was not very good
12 and there was no possibility of making progress, and
13 the second reason was that I did not want to trouble
14 the work of the Embassy and the ambassador here to
15 make him difficulties in his work.

16 Q Let me refer back for a moment to the
17 question of examination of the documents in the
18 German Embassy. You say when you became ambassador
19 that you examined those documents?

20 A Yes, after I became ambassador in Tokyo.

21 Q Did you then examine the documents from the
22 period of the conclusion of the Non-Aggression Pact
23 between Germany and Russia on up through 1940 during
24 which time you found the one that you have described
25 to us?

STAHMER

CROSS

1 A No, I didn't study these documents at that
2 time because already two years before the war between
3 Russia and Germany had broken out and that was of no
4 interest for my daily work.

5 Q Russia was not in the war at that time and
6 weren't you bending every effort in 1943 to bring
7 Japan into the war against Russia?

8 A Excuse me, I didn't quite understand it --
9 that I should bring -- that I intended to bring Russia
10 into war with Japan?

11 Q No, that there may be no misunderstanding
12 as to what I said I will endeavor to repeat the ques-
13 tion.

14 A Thank you.
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1 Q Were you not bending every effort in 1943
2 to bring Japan into war with Russia?

3 A No, I cannot remember a single conversation
4 in that line because that was tried before my time
5 and failed completely, and I knew that there was no
6 possibility, even if I would have liked to do that,
7 to try to get Japan into the war with Russia.

8 Q Do you state that you took no action after
9 becoming Ambassador to Japan to induce Japan to
10 attack Russia?

11 A No, I cannot remember a single action. I
12 believed always that it was quite useless.

13 Q Wasn't it necessary for you at that time
14 when the matter of possible war between Japan and
15 Russia was being considered that you examine the
16 files to study the relationship between Germany
17 and Russia in so far as Japan was concerned?

18 A I have never got an order from Berlin to
19 work in that line, and I did not believe it necessary
20 to study these documents. I knew in the big lines
21 the events, and the only important thing was the
22 situation of the day.

23 Q On your arrival in Japan in 1940 did you
24 discuss political matters with OSHIMA and SHIRATORI?

25 A No, I cannot remember. We talked over the

STAMMER

CROSS

1 general situation and I told them much about the war
2 in Germany and many friends, especially OSHIMA had
3 in Germany, and then, so far as I remember, we were
4 never alone.

5 Q Exhibit 511, page 6141 of the transcript,
6 is a top secret telegram of 23 February 1940, sent
7 from you to the State Secretary, in which you state
8 that upon your arrival in Japan you found OSHIMA,
9 SHIRATORI, and TERAUCHI in an unchanged friendly
10 attitude and ready for every support.

11 Are we to believe that you talked to OSHIMA
12 and SHIRATORI about political matters as shown by
13 your telegram of the 23rd or your statement to the
14 contrary near the bottom of page 5 of your affidavit?

15 I did not hear your answer.

16 A I regarded that conversation as a general
17 conversation over the whole situation, and of course
18 OSHIMA, SHIRATORI, and TERAUCHI, to use this word,
19 were always regarded as pro-German. What I call a
20 political conversation, that is a conversation about
21 a serious political problem or about certain political
22 plans like that, and the report I made in that tele-
23 gram was a combination of everything I heard from the
24 Japanese whom I knew, from the people in the German
25 Embassy, and from the German journalists.

STAHLER

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1 Q Wasn't Ribbentrop's policy of an alliance
2 between Germany and Japan one of the vital concerns
3 to Germany at that time?

4 A That is right. At that time we saw a very
5 small possibility, but the idea was always most
6 important.

7 Q Isn't it true that the support for which
8 OSHIMA and SHIMOTORI were reported by you to be
9 ready was not the support of the German-Japanese
10 alliance?

11 I desire to correct that statement and
12 strike out the last negative, the word "not."

13 A Well, I believe, from their side, they
14 had exactly the same idea as the German side had,
15 that the German-Japanese Alliance would be very
16 favorable.

17 Q And they were ready for every support on
18 that proposal, were they not?

19 A I do not know what support means, but
20 since I had the idea they were, they had the same
21 idea, and they wanted to go on and to help, that
22 this alliance could be made later.

23 Q Did you confer on political matters with
24 persons other than OSHIMA and SHIMOTORI?

25 A Once, I believe, at the first opportunity

STANNER

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1 I met them, the Count TERAUCHI was present, who had
2 visited Germany in September and October, 1939, and
3 some other people were present, too, whose names
4 I do not remember, although they took part in that
5 conversation.

6 Q General TERAUCHI, or Count TERAUCHI --

7 A General Count TERAUCHI.

8 Q He was sent to Germany by the Japanese Army,
9 was he not?

10 A I know that he was sent to Italy as sort of
11 commission accompanied by some officers, and later
12 he came to Germany, too.
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1 Q And that was immediately upon the con-
2 elusion of the Non-Aggression Pact; was it not?

3 A I believe he must have been in Italy already,
4 or in Europe already beforehand.

5 Q In the 14 days in which you stayed
6 in Japan on this particular occasion, that is, in
7 May, 1940, your second trip --

8 A Yes.

9 Q --did you discuss political matters with numerous
10 persons in the political, military, naval and
11 economic spheres of Japanese life?

12 A Yes, I saw much more poeple that time. There
13 were some bigger invitations in the German Embassy
14 because this congratulatory mission of the Duke
15 of Cobalt which became official the time of the
16 mission, so, many high officials were present.

17 Q Did Joseph A. Meissinger, Colonel in the
18 Gestapo branch of the German police arrive in Japan
19 while you were here or shortly thereafter?

20 A No, he arrived about one year later as
21 far as I know.

22 Q Did Von Duerkheim arrive in Japan in the
23 spring of 1940, while you were here, for the purpose
24 of strengthening the cultural cooperation between
25 the two countries?

1 A He was here in 1938. Then he went back
2 to Germany for a short time as far as I remember.
3 At any rate, he was already here when I arrived.

4 Q Did Helffrich, President of the Hamburg-
5 American Shipping Lines, arrive in Japan in the
6 spring of 1940 while you were here for the purpose
7 of obtaining close cooperation with Japanese
8 economic circles?

9 A He arrived sometime before I came to
10 Japan.

11 Q But in the spring -- But during the year
12 1940?

13 A Yes, probably in the very beginning of
14 1940.

15 Q When did Rheinhardt Schultze, a leader
16 in the Hitler Youth Movement, arrive in Japan?

17 A I do not know exactly. It must have been
18 in '37 or '38.

19 Q What was your official position in July,
20 1940?

21 A In July 1940 I had the title of -- no --
22 1940 I still had the title of Consul-General.

23 Q Were you in Japan at the time of the fall
24 of the YONAI Cabinet in July, 1940?

25 A No, I was not in Japan.

STAHMER

CROSS

1 Q Were you personally in communication
2 in July 1940 with any members of the Japanese
3 Cabinet?

4 A No, July 1940 I had no connection.

5 MR. TAVENNER: If the Tribunal please,
6 in view of the witness' answers to the last three
7 questions, I would like to call the Tribunal's
8 attention to prosecution exhibits which set forth
9 the prosecution evidence relating to the fall of
10 the YONAI Cabinet:

11 Exhibit 515, page 6,115 of the transcript;
12 exhibit 520, page 6,162; exhibit 523, page 6,175;
13 exhibit 529, page 6,233; exhibit 530, page 6,238;
14 exhibit 531, page 6,239 and exhibit 532, pages
15 6,240, 6,243, 6,248, 6,250 and 6,254.

16 Q Were you not fearful that the YONAI
17 Cabinet would improve the Japanese relations with
18 the United States and England, and for that reason
19 did you not desire that the YONAI Cabinet be replaced
20 by one more favorable to Germany?

21 A Oh, of course I would have liked to have
22 the YONAI Government replaced if it is for a more
23 favorable government for Germany.

24 Q Did you not express the hope that it would
25 be replaced by a new government, in fact, a government

STAHMER

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17 Cabinet would improve the Japanese relations with
18 the United States and England, and for that reason
19 did you not desire that the YONAI Cabinet be replaced
20 by one more favorable to Germany?

21 A Oh, of course I would have liked to have
22 the YONAI Government replaced if it is for a more
23 favorable government for Germany.

24 Q Did you not express the hope that it would
25 be replaced by a new government, in fact, a government

1 under the leadership of Prince KONOYE or a group
2 you considered to be more friendly to Germany?

3 A That is very possible. I only do not
4 remember when.

5 MR. TAVENNER: I refer to exhibit 515,
6 page 6,151 of the transcript as the basis for that
7 question.

8 Q Did not Ambassador Ott in June, 1940,
9 advocate Japanese annexation of Indo-China as being
10 in the German interest, and in connection with which
11 he assigned as the supporting reason, that the
12 failure of Japan to accept responsibility for
13 making such a decision would probably result in
14 the replacement of the Cabinet by one which would
15 be close to Germany?

16 A I do not know that telegram because I
17 came back to Berlin not before, in the second half
18 of June, and then had some time leave at home.

19 Q You did not review the files of the Foreign
20 Office upon your return from vacation?

21 A No, I really did not and I could not with-
22 out a special permission.

23 MR. TAVENNER: The question is based on
24 exhibit 520, page 6,162 of the transcript.

25 Q In the last paragraph on page six of your

1 affidavit, you state that you arrived in Tokyo
2 on 7 September 1940. Is it not a fact that you
3 arrived in Japan on the 23rd day of August, 1940?

4 A I assure you I arrived in Tokyo on the
5 7th of September, 1940, together with my wife.

6 Q My question was, did you arrive in Japan
7 on the 23rd day of August.

8 A No, I did not arrive in Japan on the 23rd
9 of August. I came directly via Manchukuo to Tokyo
10 without any interruption or any stay anywhere.

11 Q When did you arrive in Manchukuo?

12 A I cannot say exactly. I believe at the
13 23rd of August I still must have been in Moscow or
14 in Berlin.

15 Q You testified that MATSUOKA had a pact
16 drawn up and prepared at the time of your conference
17 on September 9. Am I correct in that recital of your
18 testimony?

19 A Yes, as far as I remember, already, on the
20 2nd negotiation, MATSUOKA had a short draft and a
21 sort of preamble which we talked over.

22 Q Do you know from your conversation with
23 MATSUOKA or other Japanese, of the action that had
24 been taken by the Japanese Foreign Ministers'
25 Conference prior to your arrival with regard to the

1 proposed alliance?

2 A No, I did not hear that. I did not know
3 that.

4 Q Did you learn from MATSUOKA of the various
5 revisions of the plan that he himself proposed --

6 THE MONITOR: Mr. Tavenner, shall we take
7 it that he proposed the revision or the plan itself?

8 MR. TAVENNER: Proposal of the revisions.

9 THE MONITOR: Revisions.

10 Q -- as early as the 4th day of September?

11 A No, I knew nothing of the revisions of
12 the plan. He didn't tell me and he did not tell
13 me at all that they had meetings before and talked
14 it over.

15 Q When was the decision reached that you
16 should be sent from Germany to Japan?

17 A I cannot remember exactly, but it must
18 have been the middle of August maybe -- yes, about
19 the 15th of August, because I had to take my visa
20 very quickly and had to take a plane to Moscow.

21 Q Do you know what word had been received
22 from Japan which led Ribbentrop to make the hasty
23 decision to send you?

24 A No, I do not know. He only told me that
25 he couldn't get a clear picture because the telegrams,

1 incoming telegrams from the German Embassy here,
2 and the communication of Ambassador KURUSU was so
3 unclear that he did not know how the situation
4 really was and that he believed that it would be
5 necessary for me to go over and try to find out.

6 Q In the last paragraph of page 6 of your
7 affidavit you enumerate the matters which you
8 explained to MATSUOKA at your meeting with him
9 on September 9. Did you also ask that Japan join
10 the Axis in the fullest sense of the word, and
11 that quickly?

12 A When MATSUOKA asked me after we had talked
13 over the whole situation, what would be the best
14 way to do, I told him that my idea of the best thing
15 would be to make an alliance and a defensive alliance
16 and to go together.

17 Q And you were urging that that be done
18 quickly, did you not?

19 A Excuse me, I didn't --

20 Q And you urged that that be done quickly,
21 did you not?

22 A Oh, that is possible, but that has another
23 reason. The Ambassador KURUSU in Berlin asked me
24 how long I wanted to stay in Tokyo, and, of course,
25 I didn't know what to say and the whole situation

STAHMER

CROSS

1 was -- and I said "Well, I don't know, maybe 3
2 or 4 weeks." He cabled that to Tokyo and that was
3 the reason why MATSUOKA believed it must be done
4 so very quickly. He told me that later. I did
5 not tell him it was so very, very necessary.

6 Q Do I understand you to say then, that
7 you did not call upon Japan to join the Axis quickly?

8 A Oh, it is very possible that I said "That
9 is just the time to do that." That is very possible.
10 I do not remember the wording.

11 Q Did you also state that Germany was taking
12 a long view of carrying on the stupendous struggle
13 against Anglo-Saxondom, including America, and that
14 this great struggle would go on for tens of years
15 in one form or another?

16 A I told MATSUOKA that we in Germany must
17 be prepared for a very long war against France and
18 England, and that we want to do everything to keep
19 the United States out of the war.

20 Q Now, will you please answer my question?
21 Did you make the statement that I recited to you?

22 A I did not make the statement as far as the
23 United States is concerned, and I cannot remember
24 if I said how long this war would probably be -- go
25 on.

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1 THE PRESIDENT: We will adjourn until
2 half-past one.

3 (Whereupon, at 1200, a recess was taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Tavenner.

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H E I N R I C H S T A H M E R, called as a witness
on behalf of the defense, resumed the stand and
testified as follows:

MR. TAVENNER: If the Tribunal please.

CROSS-EXAMINATION

BY MR. TAVENNER (Continued):

Q Mr. Stahmer, in your conversation with
MATSUOKA on September 9, did you not make a request
that Japan come into the Axis alliance quickly before
the war against England closed?

A That is very possibly so. I do not remember
the wording, but I told him that if an alliance with
Germany was contemplated it must be done quickly be-
cause when the war with England was finished it would
be of no help for the Japanese political situation.

Q Then, did you not follow with a statement
that Germany was taking a long view of carrying on a
stupendous struggle beyond, presumably, the close of

1 the war with England, that the struggle would be
2 against Anglo-Saxondom, including America, and that
3 it would last for tens of years?

4 A I said, as far as I remember, that we must
5 be prepared in Germany for a very long war, that we do
6 not know how long this war will go on, maybe for years.
7 And, then I emphasized that the United States must be
8 kept out of the war, and that it would be necessary to
9 make a platform for a coming peace. He told me the
10 next day that he had repeated that to his prime
11 minister.

12 Q You state, now, that you represented that it
13 would be a long war?

14 A I said that the war in which Germany was in-
15 volved already at that time would be probably a very long
16 one.

17 Q Is that not inconsistent with your previous
18 statement in which you were endeavoring to persuade
19 Japan to come into the Axis quickly before the close
20 of the war with England? Now, tell us which is right.
21 Did you expect the war with England to be over quickly,
22 or did you expect a long war?

23 A We had a long discussion. For two hours I
24 explained to him our idea of the situation in the
25 world, and I again told him, "Of course, it may be

1 possible that Germany will attack England and then this
2 war will be ended very soon. In that case, it would be
3 very good for Japan, if she intended to make an agree-
4 ment with Germany, to do it now." That would be a good
5 moment. Then, I said, "But, we do not know that, and
6 we must be prepared for war which will last many years
7 and to avoid that is the only way to try to keep the
8 United States out of this war, and by this way make a
9 platform for a coming peace."

10 Q I ask you again, in this connection, did you
11 not state that Germany was taking a long view of carry-
12 ing on a stupendous struggle against Anglo-Saxondom,
13 including America?

14 A I do not remember the words. I only remember
15 that I told him that we must be prepared for a very
16 long struggle. I do not know what words I used,
17 England or Anglo-Saxon. I really cannot remember, but
18 I remember definitely that I said it our most important
19 thing to keep the United States out of the war.

20 Q I am not asking you now what else you may have
21 said. I asked you a specific question. Will please
22 answer it?

23 A I do not remember this exact wording you said.

24 Q Did you also state that Germany, Italy, and
25 Japan should stand together, knitted very closely,

1 possible that Germany will attack England and then this
2 war will be ended very soon. In that case, it would be
3 very good for Japan, if she intended to make an agree-
4 ment with Germany, to do it now." That would be a good
5 moment. Then, I said, "But, we do not know that, and
6 we must be prepared for war which will last many years
7 and to avoid that is the only way to try to keep the
8 United States out of this war, and by this way make a
9 platform for a coming peace."

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11 not state that Germany was taking a long view of carry-
12 ing on a stupendous struggle against Anglo-Saxondom,
13 including America?

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15 that I told him that we must be prepared for a very
16 long struggle. I do not know what words I used,
17 England or Anglo-Saxon. I really cannot remember, but
18 I remember definitely that I said it our most important
19 thing to keep the United States out of the war.

20 Q I am not asking you now what else you may have
21 said. I asked you a specific question. Will please
22 answer it?

23 A I do not remember this exact wording you said.

24 Q Did you also state that Germany, Italy, and
25 Japan should stand together, knitted very closely,

STAHMER

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1 until the great aim is achieved?

2 A That is possible.

3 Q Was that great aim to which you referred the
4 conquering of the democratic nations, one by one, as
5 envisaged in Hitler's Mein Kampf?

6 A No, I had only in mind the victory and not an
7 attack on the different democratic countries.

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1 Q With regard to your explanation to MATSUOKA
2 that Germany had no intention to draw Japan into the
3 European War, as shown in your affidavit, did not you
4 state that Germany does not look for Japan's military
5 assistance at this juncture --

6 A Yes, I told him --

7 Q (Continuing) -- in connection with her war
8 against England?

9 A Yes, I told MATSUOKA at that time that Germany
10 did not want Japanese military assistance in this war
11 in Europe.

12 Q Did you say "did not want it at this moment"?

13 A That is what I do not remember. I only wanted
14 to tell him, "We do not need your military help now,
15 at this moment."

16 Q I believe you stated in your affidavit that
17 you had no knowledge of the later effort made by
18 Ribbentrop to induce Japan to attack Singapore, but I
19 desire to ask you if in November, 1940, within about
20 two months after the conclusion of the Tri-Partite
21 Pact, KURUSU, ambassador in Germany, in a conversation
22 with Weizsacker stated that a Russo-Japanese neutrality
23 pact and peace between Japan and China were required
24 prerequisites for a Japanese advance through the
25 regions south of China, including Siam, without the

STAHMER

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1 use of which Singapore could hardly be brought to a
2 fall?

3 A That is very possible, but I was never present
4 at any conversation between Weizsacker and KURUSU and
5 I did not get a memorandum of such a meeting, and he
6 did not talk about this idea with me.

7 Q Then you state you have no knowledge, either
8 from the German or the Japanese side, of contemplated
9 assistance by Japan in the war against England within
10 a few months after the conclusion of the Tri-Partite
11 Pact?

12 A No, I heard nothing at that time. I was rather
13 ill and I did not work practically since December, '40,
14 and then the only order I had was to accompany MATSUOKA
15 when he came to Germany and stayed in Berlin, and then
16 I got on leave -- on sick leave -- and was in Italy
17 from immediately after the return of MATSUOKA till
18 the end of June.

19 Q In your conference with MATSUOKA on September
20 9th, did you agree that Germany would cooperate with
21 Japan to further Japanese aims in Greater East Asia?

22 A Yes. I said, "We are willing to acknowledge
23 the Japanese position in Greater East Asia and we
24 are willing to help with our -- in an economic and
25 industrial line, and we hope we get raw materials from

STAHMER

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1 Japan in this sphere in exchange, and this would develop
2 a very healthy economic situation later."

3 Q And did not that offer of aid also extend
4 to the promise to immediately furnish Japan with
5 materials for war such as airplanes, tanks, war tools
6 and technicians?

7 A That is possible, but I do not remember how
8 far we went into details at that time. The general
9 idea which I told him was that Japan is a country with
10 an undeveloped industry and Germany was a country with
11 a very developed industry. So we were willing to help
12 in building and development of the Japanese industry
13 and receiving raw materials against it.

14 Q Was it your idea to help Japan in building
15 her industry to supply her with airplanes, tanks and
16 war tools?

17 A No, that was not my idea, but I know that
18 even in wartime Germany sold rather a lot of arms and
19 ammunitions into other countries, even into countries
20 who were not involved, who were neutral at the time.

21 Q When you said that Germany was ready to co-
22 operate with Japan to further Japanese aims in Greater
23 East Asia, you meant to furnish war materials in order
24 to aid Japan in her expansion program in East Asia,
25 did you not?

STAHMER

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19 ammunitions into other countries, even into countries
20 who were not involved, who were neutral at the time.

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22 operate with Japan to further Japanese aims in Greater
23 East Asia, you meant to furnish war materials in order
24 to aid Japan in her expansion program in East Asia,
25 did you not?

STAHLER

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1 A I did not have the idea to assist in this
2 expansion idea. I only wanted to create a better
3 economic situation between these two countries.

4 Q A better economic situation that would be
5 acquired by the use of force. Is that what you mean?

6 A No, that is definitely not what I mean and
7 that is why I hoped to Minister MATSUOKA that a military
8 sort of attack on Indo-China, during the time of my
9 presence here, could be avoided.

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1 Q I will ask you a question or two about
2 that. MATSUOKA informed you, did he not, during the
3 course of these negotiations that the Japanese army
4 would march into North Indo-China within three days
5 if the French did not accept Japanese demands; is
6 that true?

7 A Yes, he said every governor-general of Indo-
8 China did not accept, and sent a sharp ultimatum the
9 army would, as far as I remember, march in within three
10 days. He wanted me to help him to avoid that.

11 Q That was on September 20th, wasn't it?

12 A I do not remember the exact date, but it
13 was at that time.

14 Q Another request had been made of Ambassador
15 Ott on August the 15th to assist the Japanese in bring-
16 ing the French to terms?

17 A That is possible, but I do not know because
18 that was before my arrival here.

19 Q Did you request Ribbentrop to bring pressure
20 on the French Vichy Government to accede to the Japan-
21 ese demands?

22 A Yes. I sent them a telegram implying that
23 hostilities could be avoided here.

24 Q Then the Japanese army marched into North
25 Indo-China, did it not?

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22 A Yes. I sent them a telegram implying that
23 hostilities could be avoided here.

24 Q Then the Japanese army marched into North
25 Indo-China, did it not?

STAHMER

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1 A Then I remember that MATSUOKA told me it
2 had helped a lot, and he was very glad that no inci-
3 dent had happened, and he thanked me for my help.

4 Q You state in the first paragraph under Section
5 12, page 9, of your affidavit that OSHIMA took no
6 positive personal stand on any of the controversial
7 issues which you discussed. Prosecution exhibit 501,
8 page 6,096 of the transcript, which is an excerpt from
9 Count Ciano's diary, shows that OSHIMA acting with
10 SHIRATORI threatened to bring about a fall of the
11 Japanese cabinet by resigning from his post unless the
12 Japanese Government fell in line with his desire for
13 a Japanese-German military treaty without reservations
14 on the part of Japan.

15 How do you explain this inconsistency between
16 this documentary evidence and the statement in your
17 affidavit?

18 A OSHIMA did not tell me anything about these
19 ideas which are contained in the diary of Count Ciano,
20 and I did not see SHIRATORI at all at that time. I
21 had the impression the whole time I worked with OSHIMA
22 that he was already very cautious and what he told to
23 me that was always based upon telegrams from his govern-
24 ment, and that was, more or less, all the topic of our
25 negotiations, of our talks. And several times when I

1 asked him what do you believe, what is your govern-
2 ment's idea, or what do you believe what will happen
3 now, he answered "Well, I do not know, I must send a
4 telegram and ask my government." That was my personal
5 impression as far as I recollect.

6 Q I was not asking you your general impressions.
7 I asked you how you explained the contradiction between
8 the documentary evidence I read you and your state-
9 ment in your affidavit.

10 A If this diary of Count Ciano is documentary
11 evidence I cannot explain the difference. I only
12 know what I talked over and how I talked with OSHIMA.

13 Q In other words, you did not know about this
14 documentary evidence in the Count Ciano diary, is that
15 it?

16 A Yes, I have read some parts of this diary of
17 Count Ciano, not the whole.

18 Q Exhibit 502, page 6,100 of the transcript,
19 is a top secret telegram from Ribbentrop to the ambassa-
20 dor in Japan, bearing date 26 April 1939, and shows at
21 the beginning of March both OSHIMA and SHIRATORI re-
22 ceived instructions from the Japanese Government with
23 regard to the proposed pact, and that both ambassadors
24 on their own accord immediately refused to present the
25 Japanese proposed change of the German-Italian draft,

1 asked him what do you believe, what is your govern-
2 ment's idea, or what do you believe what will happen
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4 telegram and ask my government." That was my personal
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25 Japanese proposed change of the German-Italian draft,

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1 and declared that they would have to resign from their
2 posts in the event of a different decision of the Japan-
3 ese Government -- Cabinet.

4 How do you explain the inconsistency between
5 this documentary evidence and the statement in your
6 affidavit?

7 A I cannot explain the difference. I can only
8 repeat that OSHIMA did not tell me these ideas.

9 Q As intimately connected as you were with
10 those transactions in April 1939 acting as the liaison
11 between OSHIMA and Ribbentrop, you did not know of
12 this incident?

13 A I remember that I heard later, but that was
14 some time later, that OSHIMA had difficulties with his
15 government, but I was not present when he had a con-
16 versation in these lines; probably was Ribbentrop -- or
17 I do not know.

18 And I was not asked, nor did I see this
19 telegram.
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16 versation in these lines; probably was Ribbentrop -- or
17 I do not know.

18 And I was not asked, nor did I see this
19 telegram.
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1 Q According to the last-mentioned document,
2 the Japanese ambassadors, OSHIMA and SHIRATORI, received
3 further instructions from their government in which
4 an earlier Japanese suggestion was retained in a
5 weakened form. The reason assigned by the Tokyo cabi-
6 net for the necessity of the limited interpretation
7 of the pact was stated to be the fact that Japan, for
8 political and in particular for economic reasons, was
9 at the moment not yet in a position to come forward
10 openly as the opposer of the three democracies. With
11 regard to this statement by the Japanese Government,
12 OSHIMA and SHIRATORI informed Count Ciano and Ribbentrop
13 that the wish of the Japanese Government was impossible.

14 How do you explain the inconsistency between
15 this documentary evidence and the statement in your
16 affidavit?

17 A I cannot explain that. I do not know.

18 Q In prosecution exhibit No. 2230, page 15,990
19 of the transcript, a confidential conversation between
20 Ambassador Ott and von Ribbentrop is described, in
21 which -- That is a mistake; instead of Ambassador Ott
22 it is Ambassador OSHIMA -- in which Ambassador OSHIMA
23 stated that he had received a telegram from Foreign
24 Minister ARITA, according to which the Japanese Govern-
25 ment wished to reserve entrance into a state of war in

STAHMER

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1 case of a European conflict. Ambassador OSHIMA refused
2 to officially pass this matter on to the German
3 Government, and advised ARITA of this by telegram.

4 How do you explain the inconsistency between
5 this documentary evidence and the statement in your
6 affidavit?

7 A I do not know that document, and I do not know
8 this fact.

9 Q Prosecution exhibit No. 506, page 6,124 of
10 the transcript, a memorandum by Weizsaecker, bearing
11 date 18 September 1939, shows that Ambassador OSHIMA
12 was directed to file a protest to Germany's action in
13 concluding the pact, but he disobeyed his government's
14 instructions by postponing delivery of the Japanese
15 memorandum of protest until 18 September 1939.

16 How do you explain the inconsistency between
17 this documentary evidence and the statement in your
18 affidavit?

19 A I did not know that fact.

20 Q Prosecution exhibit 587, page 6,562 of the
21 transcript, is a telegram from Ribbentrop to Ambassador
22 Ott of June 28, 1941, stating that Ribbentrop had
23 obtained an agreement with OSHIMA that he, OSHIMA,
24 will influence Japan towards speedy military action
25 against Russia.

STAHMER

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1 How do you explain the inconsistency between
2 this documentary evidence and the statement in your
3 affidavit?

4 A I do not know that document. I was still
5 on leave and I returned to work later.

6 Q You referred in your testimony to a proposal
7 made by the accused SHIGEMITSU to take Russia out of
8 the war with Germany by compromise.

9 Did that occur after the battle of Midway
10 and Saipan -- and the battle of Saipan?

11 A I do not remember the dates of these battles.
12 It was at any rate in the second half of August.

13 Q On page 7, question 10 of the interrogatories,
14 your document 1714--

15 THE PRESIDENT: Exhibit 2744-A.

16 Q (Continuing) You state that the conference
17 of 8 July 1940 between Ambassador SATO, KURUSU, you
18 and Ribbentrop was actually no conference, and that
19 you do not recall that any matter relating to the
20 French and Dutch East Asia colonies was discussed and
21 that no matter relating to the interest of Germany in
22 the Pacific was discussed, according to your recollection.

23 Is that statement in your affidavit correct?

24 A Yes, that statement is correct. I recollect
25 practically nothing what was talked about. I sat

STAHLER

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1 aside and was present, but I knew, of course, the
2 character of the whole visit.

3 Q If you do not remember what was talked about,
4 why is it that you say there was no conference?

5 A I say that because it was not planned as
6 conference, and it was no conference. Ambassador SATO
7 was not on any official mission in Germany, and he
8 was announced as an ambassador travelling for Germany
9 as a foreigner of distinction, and Ambassador KURUSU had
10 asked me to try to prepare a visit of this Ambassador
11 SATO meeting with -- visit to -- a courtesy call to
12 the German ambassador.

13 MR. TAVENNER: The attention of the Tribunal
14 is called to prosecution exhibit 522, page 6,170 of
15 the transcript, for a record of this discussion or
16 conference.
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1 Q On page 11 of your affidavit you state that
2 it was the general idea in 1938 and 1939 to prevent
3 war through forming a defensive alliance. I want to
4 ask you if it was on the 12th day of March, 1938 that
5 German troops marched into Austria --

6 A Yes, that is right.

7 Q (Continuing) --- on the 1st day of October,
8 1938 that the German troops marched into Sudetenland --

9 A That's right.

10 Q (Continuing) --- the 15th day of March, 1939
11 the German troops began occupation of Czechoslovakia?

12 A Yes.

13 Q Is it not also true that on April 16, 1939
14 there was a conference between Goer ing, Mussolini
15 and Count Ciano in Rome, at which Mussolini declared
16 a general war was unavoidable, asked for the most
17 favorable moment, and inquired as to who would sieze
18 the initiative; that Goer ing expressed the opinion
19 that the Axis Powers should still wait a bit, and
20 that it was agreed that the motto for the behavior
21 of both countries should be to speak of peace and
22 to prepare for war? I refer to prosecution exhibit
23 505, page 6,111 of the transcript. Is that correct?

24 A As far as the Goer ing conference, I can
25 say nothing; I didn't -- knew nothing about this

STAHMER

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conference.

1 Q You did know that in 1938 and 1939 Germany
2 had decided to go to war, did you not?

3 A I did not know that Germany had decided at
4 that time to go to war. Nobody had me told.

5 Q On the basis of the information you now
6 have, you know that Germany had prepared to go to
7 war in 1939, do you not?

8 A Now I must believe that a war was prepared.

9 Q Then you know that your statement in your
10 affidavit is wrong when you say that it was the
11 general idea in 1938 and 1939 to prevent war by
12 forming a military alliance with Japan --

13 A That was the idea which we heard from
14 every side with whom we talked, my colleagues and I,
15 and even from our superiors.

16 Q (Continuing) --- and which you now know and
17 recognize was false.

18 A Yes.

19 MR. TAVENNER: I have no further questions.

20 THE PRESIDENT: Mr. Cunningham.
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STAHMER

REDIRECT

MR. CUNNINGHAM: If the Tribunal please.

REDIRECT EXAMINATION

BY MR. CUNNINGHAM:

Q Mr. Stahmer, you stated on Monday, in answer to Mr. Blakeney's question, that you acted in August and September, 1938 as liaison between Ribbentrop and OSHIMA, the then Japanese military attache in Berlin, in a negotiation for a German-Japanese agreement. What was the nature of this negotiation?

A As far as I remember, there were at that time only preliminary talks about the possibility of a closer understanding between Germany and Japan, and Ribbentrop wanted to know what the Japanese Army was thinking.

Q And did Ribbentrop ask you to determine the intention of the Japanese Army by taking the matter up with OSHIMA?

A Yes, we talked together.

Q Did you or Ribbentrop get an answer from OSHIMA to your inquiry as to the intention of the Japanese Army?

MR. TAVENNER: If the Tribunal please, I do not see how this is any matter arising out of cross-examination.

THE PRESIDENT: Nor can we, but Mr. Cunning-

STAHLER

REDIRECT

1 ham may convince us that it does.

2 MR. CUNNINGHAM: For this purpose, may we
3 consider the examination of Mr. Blakeney as cross-
4 examination and direct examination in respect to it?

5 THE PRESIDENT: As the rules say, Mr.
6 Blakeney's examination and other examinations by the
7 defense counsel is direct.

8 MR. CUNNINGHAM: Yes. We will pursue the
9 matter through another witness on that question.

10 Q Much was said of the telegram that you and
11 Ott sent from Tokyo to Berlin on the 23rd of Febru-
12 ary, 1940, exhibit 511, and I ask you to help me
13 clarify some confusion. It is stated in this tele-
14 gram that "I found such Japanese already known to me,
15 as OSHIMA, SHIRATORI, TERAUCHI, ISHII, and so forth,
16 in an unchanged, friendly attitude and ready for
17 every support." Is this a statement or summary of
18 your personal opinion, or was this a reiteration of
19 what you heard from them?
20

21 A That was my personal opinion and the impres-
22 sion I got from my conversation with these gentlemen
23 who were all known as pro-German, of course.

24 Q Did you talk with any of these people con-
25 cerning the alliance of Germany and Japan at that time?

A No, because at that time there was no possi-

STAHMER

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1 bility. I had at that time given up any hope, and
2 I avoided that talk on that line.

3 Q Did any of these Japanese, including OSHIMA
4 and SHIRATORI, express any readiness to you at that
5 time to support an alliance with Germany?

6 A No, no.

7 THE PRESIDENT: We will recess for fifteen
8 minutes.

9 (Whereupon, at 1445, a recess was
10 taken until 1500, after which the proceed-
11 ings were resumed as follows:)

12 MARSHAL OF THE COURT: The International
13 Military Tribunal for the Far East is now resumed.

14 THE PRESIDENT: Mr. Cunningham.

15 BY MR. CUNNINGHAM (Continued):

16 Q Mr. Stahmer, you stated that in answer to the
17 question by Mr. Tavenner that you know the contents of
18 the telegram in exhibit 508, which was discovered in
19 the files of the German Embassy when you took over the
20 Embassy in 1943. Did you ever investigate whether or
21 not OSHIMA conducted any correspondence with Ribbentrop
22 through the German Embassy in Tokyo or not?

23 A Yes, I ordered my personal secretary, Mr.
24 Klimek, Secretary of Legation, to investigate whoso-
25 ever could send letters or cables via the German Embassy

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1 with or without use of the cipher code.

2 Q From your investigation did you determine
3 whether or not Mr. OSHIMA had ever exercised the
4 privilege described in that telegram?

5 A I heard this after his investigation, that
6 OSHIMA had never sent any telegram or letter using
7 these possibilities.

8 Q You state that Ambassador OSHIMA was popular
9 with the German people. Can you give us the reasons
10 why you state that?

11 MR. TAVENNER: Objection is made, if the
12 Tribunal please, on the ground that was not the
13 witness's statement. The question relates to the
14 German Army and Hitler -- not the German people.

15 Q Well, I will change that to read, "in
16 Germany." Will you give us the background for that,
17 please?

18 A OSHIMA was very well liked in Germany
19 everywhere. He was very sociable. He spoke very good
20 German, and he made a good appearance; and he was a
21 very good host and invited many people in his Embassy
22 to enjoy his hospitality.

23 Q Do you know whether or not OSHIMA resigned
24 as Ambassador in September, 1939, after the Russian-
25 German Non-Aggression Pact?

STALLER

REDIRECT

1 A I do not know.

2 MR. CUNNINGHAM: Now, in order to show the
3 background for a document which we wish to introduce
4 as an exhibit, and to show the participants in the
5 negotiations on the Tri-Partite Pact which have been
6 described to this witness, I ask that the witness be
7 shown defense document 1664 for identification pur-
8 poses.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: If the Tribunal please,
11 objection is made to the attempt to introduce a docu-
12 ment in redirect examination.

13 THE PRESIDENT: That alone could be no
14 ground for objection. It would be possible to get in
15 a document on redirect examination, but whether this
16 document can be got in is another question.

17 MR. TAVENNER: I had not completed my state-
18 ment, "which is not based upon any evidence in cross-
19 examination."

20 THE PRESIDENT: It looks like a photograph,
21 and without Mr. Cunningham's help I cannot see how any
22 question put in cross-examination or how the answer
23 given in cross-examination could justify the admission
24 of a document like this, a photograph, in re-examination.
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STALLER

REDIRECT

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STAHER

REDIRECT

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2 I am only offering it for identification so that I
3 can offer it later as an exhibit.

4 THE PRESIDENT: Without our permission you
5 are there to conduct only a redirect examination.

6 MR. CUNNINGHAM: Well, I am sorry. I will
7 do that later.

8 I did have a couple more questions to pro-
9 pound, your Honor.

10 Q On this description of the SATO-KURUSU
11 luncheon you failed to mention the man's name who
12 made the report -- Mr. Knoll, I believe. Can you
13 tell us of his title, his responsibility, and
14 whether or not he was in a position of authority
15 to negotiate for the German Government on any kind
16 of political matter?

17 A I do not remember his name and I do not
18 know his position, but I remember that a Minister
19 KAWAI was present there, who was in Berlin sometime
20 beforehand, and I told Ribbentrop because it was a
21 courtesy visit to use this opportunity and invite
22 Mr. KAWAI, too. Of course, Ribbentrop at first
23 says he has no time for such visits.

24 Q Well, identify that document as exhibit 522,
25 signed by Knoll, or memorandum prepared by Knoll.

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20 beforehand, and I told Ribbentrop because it was a
21 courtesy visit to use this opportunity and invite
22 Mr. KAWAI, too. Of course, Ribbentrop at first
23 says he has no time for such visits.

24 Q Well, identify that document as exhibit 522,
25 signed by Knoll, or memorandum prepared by Knoll.

1 Now, Mr. Stahmer, there seems to be some
2 discrepancy between the interpretation of the
3 Tribunal and the interpretation of the prosecution
4 on the question, the application of count 5 of the
5 Indictment on the attitude of Germany and Japan
6 toward the other nations of the world and toward the
7 individuals.

STAHMER

REDIRECT

1 MR. TAVENNER: If the Tribunal please, I
2 object to this type of a statement being made by
3 counsel and suggest that it is only proper for him
4 to examine the witness and not to make statements of
5 the character he has made.

6 THE PRESIDENT: Judging from what we have
7 heard from Mr. Cunningham this witness has been asked
8 to arbitrate between the Court and the prosecution.
9 We will let Mr. Cunningham complete what he has to say.

10 MR. CUNNINGHAM: Your Honor has suggested that
11 you are perhaps interested in Ribbentrop's and Hitler's
12 attitude toward the other countries of the world be-
13 cause they are involved perhaps as divers other persons
14 contained in the conspiracy, whereas the prosecution
15 has stated that they are not interested in Germany's
16 attitude toward the other nations of the world. I
17 would like to clarify the distinction by asking this
18 witness if the attitude expressed in his affidavit of
19 Germany toward the other nations of the world was also
20 Von Ribbentrop's and Hitler's attitude as well as the
21 attitude of the German government and then proceed.

22 THE PRESIDENT: We do not desire the witness'
23 assistance on such a matter.

24 MR. CUNNINGHAM: Your Honor, then may I take
25 it as a statement of the law of this case that--

1 THE PRESIDENT: You take nothing except
2 listen to our decision and abide by it. We do not
3 want any dissertation from you.

4 MR. CUNNINGHAM: I did have some further
5 questions along this line on the attitude of the
6 German leaders towards the other nations of the world
7 in refutation of the charge of the prosecution that
8 these three nations started out to dominate the world
9 under a conspiracy but in the light--

10 THE PRESIDENT: We do not want him to swear
11 what may well be an issue.

12 MR. CUNNINGHAM: That concludes the redirect
13 examination of this witness and I ask that this witness
14 be released permanently as he is expected to leave
15 Japan for his homeland soon.

16 THE PRESIDENT: He is released on the usual
17 terms.

18 (Whereupon, the witness was excused.)

19 THE PRESIDENT: General Vasiliev.

20 GENERAL VASILIEV: If the Court please, before
21 the midday recess the Tribunal announced its judgment
22 and order as to the application of defense counsel for
23 the production of witnesses for cross-examination whose
24 affidavits were presented in the Soviet phase. The
25 first item of the judgment and order says that the

1 affidavits of Semyonov and Rodzaevsky will be dis-
2 regarded, in other words excluded, if I understand it
3 correctly.

4 I have carefully reread the application of
5 the defense (Mr. Blakeney's statement on June 9, pages
6 23,788-23,805 of the record) and could find no applica-
7 tion of the defense for the exclusion of the affidavits
8 of Semyonov and Rodzaevsky. Mr. Blakeney said: "I
9 therefore respectfully renew our often made motion
10 that the witnesses be ordered produced for cross-
11 examination or their testimony stricken from the record
12 and disregarded for all purposes."

13 It is true that in his application Mr. Blakeney
14 mentioned the affidavits of Semyonov and Rodzaevsky
15 but on page 23,803 of the record, but Mr. President
16 made a remark (pages 23,803-23,804 of the record) that:
17 "Major Blakeney, as regards those men who are dead and
18 can't be called for cross-examination, you could deal
19 with their case in your summation, but not now. We are
20 now about to determine what if any witnesses who are
21 still living should be called for cross-examination."

22 Continuing the idea contained in Mr. President's
23 words I should like to say that for the defense it is
24 a matter for summation while for the Tribunal it is a
25 matter for the final judgment.

1 In accordance with that, in my reply I did
2 not deal with the witnesses who are not living; conse-
3 quently the Tribunal made its decision without giving
4 me an opportunity of stating my views on such an im-
5 portant matter. With all due respect for the Tribunal
6 I must express my deep surprise at this decision also
7 on the following grounds:

8 When the prosecution tendered the affidavits
9 of Semyonov and Rodzaevsky (the first one on October 8,
10 1946 and the second on October 11, 1946), the Court
11 was well informed that those witnesses were dead and
12 the defense based their objections on that assumption,
13 but the objections were overruled and the affidavits
14 were admitted without any reservations (page 7319 of
15 the record). That decision was the decision of the
16 majority of the Tribunal and in reply to the repeated
17 objection of the defense Mr. President stated: "The
18 decision disposes of all objections raised." (Page
19 7319 of the record).
20

21 Thus the question of the admissibility of
22 Semyonov's affidavit was not left open. The affidavit
23 of Rodzaevsky was also admitted (page 7603 of the record).
24 Now a decision to the contrary was taken which has no
25 procedural grounds and is the more embarrassing as no
reasons for it are given and the other party say the

1 prosecution was deprived of the opportunity of stating
2 its views.

3 The last portion of the decision relates to
4 the attack made by Mr. Blakeney against the USSR. The
5 handling of this question in the decision amounts to
6 finding out whether or not Mr. Blakeney had any
7 evidence concerning the duress allegedly employed by
8 us on the witnesses. I carefully looked through the
9 transcript once more and was unable to find in Mr.
10 Blakeney's words (page 23,191) anything else except
11 his offensive remarks, "iron curtain," "a man with
12 the gun in his back." It appears that all that it
13 amounts to is that Mr. Blakeney did not produce
14 evidence to corroborate that horrible picture depicted
15 by his imagination that it actually took place.

16 With all due respect for the Tribunal I
17 can't apply to myself the warning of the Tribunal
18 addressed to both sides because in no case have we
19 allowed ourselves to attack any nation or to make any
20 attacks upon any of the defense counsel, but I have
21 repeatedly heard attacks directed by the defense counsel
22 against my country. Unfortunately the present decision
23 is no adequate measure of combating such attacks and
24 presents the matter as though these attacks are of
25 reciprocal nature.

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1 THE PRESIDENT: The decisions of the Court
2 must, of course, be accepted by counsel on both sides
3 without any question. The decision this morning, I
4 should say, was a decision of the majority. No
5 decision of this Tribunal has received more considera-
6 tion than that decision received. We considered all
7 the matters to which you referred, General Vasiliev.
8 That was the only determination that was satisfactory
9 in the view of a majority, a substantial majority.

10 The remark of Major Blakeney called for the
11 decision that the Court arrived at and embodied in
12 the memorandum read this morning. We resent any
13 gratuitous, unwarranted attack on any of the Allied
14 Powers. We can say no more than that.

15 Mr. Cunningham.

16 MR. CUNNINGHAM: If the Tribunal please, I
17 now offer defense document 1656 for identification
18 and tender excerpts therefrom, defense document 1656
19 A to AD, for evidence. This is an official top-secret
20 document of the Japanese Foreign Office entitled "Out-
21 line of the Process of Drafting Various Drafts Concern-
22 ing the Tripartite Pact of Japan, Germany, and Italy,
23 and Pertaining Documents." This document was compiled
24 by Mr. MATSUMOTO, Director of the Treaty Department
25 of the Foreign Office at the time of the conclusion

1 of the Pact, and show that no aggressive intention was
2 expressed by any party during the negotiations.

3 Annex 1 to 20 are marked as B to Z and AA
4 to AD. I do not wish to read the annexes, but I do
5 specifically ask the Tribunal to consider them in
6 their consideration of the Tripartite Pact. I only
7 offer to read the first two pages, or the outline of
8 the negotiations.

9 THE PRESIDENT: Mr. Comyns Carr.

10 MR. COMYNS CARR: May it please the Tribunal,
11 the prosecution would not object to these documents
12 if they were as my friend describes and were arranged
13 in an intelligible manner. We have only my friend's
14 word for it that the document numbered 1656-A was
15 compiled by MATSUMOTO and was compiled contemporaneous-
16 ly. The copy served upon me shows no signature, no
17 date, and no certificate. Furthermore, the annexes
18 numbered 1 to 20, referred to in that document, are
19 nowhere identified in the accompanying documents ex-
20 cept one or, by possible inference, two. They include
21 a mass of repetition and it is impossible to discover,
22 for instance, a very important point: Which of the
23 draft letters alleged to have been attached to the
24 Pact was the one which was ultimately signed?
25

If the defense will take this bundle of docu-

1 ments away and get it into proper order, we shall
2 probably have no objection, but in its present form it
3 is open to all the objections I have mentioned.

4 THE PRESIDENT: Mr. Cunningham.

5 MR. CUNNINGHAM: Well, your Honor, I think
6 anybody who takes this document and reads it in the
7 order in which it has been arranged will have no diffi-
8 culty. That is the way I understand it. As I under-
9 stand it, the documents are arranged in exactly the
10 same way they are arranged in the book from which
11 they were taken.

12 THE PRESIDENT: Is the book certified to in
13 the usual way?

14 MR. CUNNINGHAM: The book is an official
15 document book of the Japanese Foreign Office, with the
16 certificate attached.

17 THE PRESIDENT: We are not insisting on copies
18 if the certificates be given to us, but we do want to
19 be satisfied that these things are authenticated as
20 far as they can be. Have you looked at the original,
21 Mr. Carr?

22 MR. COMYNS CARR: Your Honor, I haven't seen
23 the original. The person who is alleged to have pre-
24 pared the summary is alive, and surely it must be
25 possible for the defense to get him to show, if the

1 book does not show, which of the various attached
2 documents are the numbered annexes referred to in the
3 summary.

4 There has been served upon us with the docu-
5 ment a mysterious note, which has obviously been recent-
6 ly compiled and is not part of the document, but which
7 only makes confusion worse confounded. I would suggest
8 that the defense would be wise to adopt the proposal
9 I made, that they should have the annexes properly
10 identified to the summary, and then it might be a con-
11 venient and useful document.

12 MR. CUNNINGHAM: Well, your Honor, I had the
13 man who compiled the book the other day and he was
14 rejected because his affidavit was not in proper form.
15 But the book certainly ought to be the best evidence
16 of what was said, not what the author says he said.

17 THE PRESIDENT: Mr. Carr's objection can be
18 very readily met, Mr. Cunningham, by a short certifica-
19 tion in a document or by some individual called here.
20 In a matter of this magnitude we naturally look for
21 complete authenticity.

22 MR. CUNNINGHAM: Well, I don't know what more
23 I can do. I offered the man who wrote the book, I
24 offered the book in three languages, and I offered a
25 certificate by the party responsible for the control

1 and custody of the book, and I offered the copies
2 from the books, which give it also in the order in
3 which it appears in the book. I wonder what more I
4 can do.

1 THE PRESIDENT: There is only one thing
2 you haven't done, Mr. Cunningham, that is, observe
3 the rules. My colleagues are perusing these
4 documents and they find that important dates are
5 omitted, opinions are given and the names of
6 persons responsible do not appear. Things like
7 that make these documents useless.

8 MR. COMYNS CARR: Your Honor, I have now
9 had an opportunity of looking at the original book,
10 and I find that what appears from what has been
11 said to be the parent document, 1656-A, does not
12 appear in the book in English at all. Some Japanese
13 is shown to me which I am informed is the Japanese
14 of this. The book does not appear to identify any
15 of what is alleged to be the annexes to the summary.
16 I can only repeat my suggestion that they should
17 be properly identified and then the thing might be
18 useful.

19 THE PRESIDENT: I do not understand a word
20 or a letter even of the original, which is handed
21 to me, seeing it is in Japanese.

22 MR. CUNNINGHAM: Well, your Honor, there
23 was a purpose in translating it so that we would
24 each have the English of it, and the English trans-
25 lation is in our hands in the order in which it

1 appears in your book. But, I will be glad to
2 comply with anything you have to suggest about how
3 it would be acceptable.

4 THE PRESIDENT: Call Mr. MATSUMOTO to
5 certify these things. That is the shortest way.

6 MR. CUNNINGHAM: Will his oral testimony
7 of identification be sufficient?

8 THE PRESIDENT: The rules must be observed,
9 the simple rules. A child can follow them and apply
10 them. We need an affidavit.

11 MR. CUNNINGHAM: Your Honor, may I ask
12 about, say, the revision of the affidavits? We
13 offered Mr. MATSUMOTO's affidavit the other day,
14 and you know it is difficult to revise them and give
15 3 days and still copy the continuity. Does your
16 rule say that we have to serve a revised affidavit
17 in 3 days, or the original affidavit as revised,
18 and cover the 3-day period in the original service?

19 THE PRESIDENT: It is the first time in
20 my experience that I have heard a court asked
21 whether its published rules do this or do that. You
22 read our rules and if you have any doubt about them,
23 maybe you can have that doubt discussed and perhaps
24 removed, if one exists.

25 MR. CUNNINGHAM: I now offer defense document

1 613 for identification, Interrogation of the late
2 MATSUOKA, Yosuke, by the International Prosecution
3 Section at Sugamo for identification, and tender
4 excerpts therefrom, defense document 613-A, 10-13
5 and 2 for evidence.

6 Now, I am not sure whether your Honors
7 have decided on whether or not to accept MATSUOKA's
8 interrogation, but they come in logical order now,
9 and I would like to know if there is a ruling on it.

10 THE PRESIDENT: Mr. Carr.

11 MR. COMYNS CARR: Your Honor, the position
12 as far as I recollect it is, certainly on the first
13 occasion, when an excerpt from MATSUOKA's interrogation
14 was tendered the Tribunal rejected it on my objection
15 that the only basis or justification for using a
16 part of this interrogation could be that the prosecution
17 had used a part of it and therefore that the defense
18 was entitled to do so; and, as the prosecution did
19 not use any part of MATSUOKA's interrogation, I
20 successfully objected to the defense doing so.

21 THE PRESIDENT: We have fully considered
22 that matter, and by a majority we came to the con-
23 clusion that the interrogation of any of the accused
24 can be used for or against himself only. That is
25 what it amounts to. Of course, where one of the

1 other accused heard what he said and admitted its
2 truth, it could be used against him. But, we
3 know of no such case yet.

4 MR. COMYNS CARR: MATSUOKA no longer being
5 amongst the accused I assume the ruling means that
6 his interrogation cannot be used by either side.

7 THE PRESIDENT: That is the Court's decision
8 and we will hear no discussion about it.

9 MR. CUNNINGHAM: Will the reporter read
10 what the President said? I didn't hear it.

11 (Whereupon, the statement of the
12 President was read by the official court
13 reporter.)

14 THE PRESIDENT: We will adjourn now until
15 half-past nine tomorrow morning.

16 (Whereupon, at 1600, an adjournment
17 was taken until Wednesday, 18 June, 1947, at
18 0930.)

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